

THE STATE OF TEXAS §  
CITY OF BROWNSVILLE §  
COUNTY OF CAMERON §

**MINUTES** of a **Regular Meeting** of Board of Adjustment of the City of Brownsville, Texas, held in the Commission Chambers, on the Second Floor of the Brownsville City Hall – Old Federal Building, located at 1001 East Elizabeth Street, Brownsville, Cameron County, Texas, on **Wednesday, June 6, 2018 at 5:30 P.M.** with the following members present:

**PRESENT:**

**DILLON VANDERFORD, JR.**  
**ROY DE LOS SANTOS**  
**MARY ALICE LOYA**  
**HOWARD SLACKMAN**  
**JOHN KINCH**  
**TIM SAMPECK**  
**ANA HERNANDEZ**

**FRANCESCA LINDER**

**ELEAZAR RODRIGUEZ**  
**NORMA CASTANEDA**

**ABSENT:**

**CONSTANZA MINER**

**OMAR OCHOA**  
**MYRNA LEAL**

**CHAIRMAN**  
**VICE CHAIRMAN**  
**BOARD MEMBER**  
**BOARD MEMBER**  
**BOARD MEMBER**  
**ASSISTANT CITY ATTORNEY**  
**PLANNING & DEVELOPMENT**  
**SERVICES ASSISTANT DIRECTOR**  
**ZONING & SUBDIVISION**  
**ADMINISTRATOR**  
**PLANS EXAMINER MANAGER**  
**ADMINISTRATIVE SPECIALIST II**

**PLANNING AND DEVELOPMENT**  
**SERVICES DIRECTOR**  
**BUILDING OFFICIAL**  
**PLANNER I**

A quorum being present, Chairman Dillon Vanderford called the meeting to order at 5:30 PM.

**Item No. 1: Approval of minutes for the meeting of May 2, 2018.**

Board Member Howard Slackman made a motion to **approve** the minutes with corrections for the meeting of April 4, 2018; the motion was seconded by Board Member Roy De Los Santos and was **unanimously approved**.

**Item No. 2: Public Hearing and Action on Case Number 2018-018-V: Public Hearing and Action to consider a variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk along FM 1577, for**

Lot 3, Quail Meadow Subdivision, located at 33295 FM 1577, as requested by Joe Vasquez.

Ms. Francesca Linder, Zoning and Subdivision Administrator, presented on the sidewalk variance request and stated that the Planning and Development Services Department has no objections to the variance request.

Board Member Roy De Los Santos made a motion to close public hearing, motion was seconded by Board Member John Kinch and carried unanimously; the public hearing was closed.

Board Member John Kinch made a motion to **approve** the variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk along FM 1577, for Lot 3, Quail Meadow Subdivision, located at 33295 FM 1577. Board Member Howard Slackman seconded the motion and **carried unanimously**.

**Item No. 3: Public Hearing and Action on Case Number 2018-019-V:** Public Hearing and Action to consider a variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk along S. Dakota Avenue and Maverick Road, for .7151 acres of Lot 4, Block 204, El Jardin Subdivision, Lopez High School Subdivision, PT Lot 1, Block 1, located at 3228 S Dakota Ave, as requested by Lucino and Beatrice Rosenbaum.

Ms. Francesca Linder, Zoning and Subdivision Administrator, presented on the sidewalk variance request and stated that the Planning and Development Services Department has no objections to the variance request.

Board Member Roy De Los Santos stated he would prefer to grant a variance to remain in effect until such time curbs and gutters are put in.

Board Member Roy De Los Santos made a motion to close the public hearing, seconded by Board Member Howard Slackman and **carried unanimously**, the public hearing was closed.

Board Member Roy De Los Santos made a motion to **approve** the variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk along S. Dakota Avenue and Maverick Road, to remain in effect so long as there are no curbs and gutters, for .7151 acres of Lot 4, Block 204, El Jardin Subdivision, Lopez High School Subdivision, PT Lot 1, Block 1, located at 3228 S Dakota Ave. Motion was seconded by Board Member Howard Slackman. Chairman Dillon Vanderford, Board Member Roy De Los Santos, Board Member Howard Slackman, and Board Member Mary Alice Loya ayed the motion. Board Member John Kinch nayed the motion. The motion passed.

**Item No. 4: Public Hearing and Action on Case Number 2018-020-V:** Public Hearing and Action to consider a variance from Chapter 348, Article V, Division 7, Sec. 348-747.- Front Yard, to allow a carport to encroach 22 feet into a 25

foot front yard for Lot 24, Block 1, La Lomita Subdivision, Section II, located at 643 Jo Ann Lane as requested by Ofelia Castillo.

Ms. Francesca Linder, Zoning and Subdivision Administrator, presented on the setback variance request and informed the board that the carport was built without a permit and the applicant had been cited by city inspectors.

Applicant representative, Rogelio Vasquez, approached the Board and stated his reasons for building the carport.

Board Member Howard Slackman addressed city staff and questioned what the outcome of a denied variance request would mean for the existing carport. Ms. Francesca Linder stated that it is not an allowed structure and City Attorney Tim Sampeck stated that it would be a violation each day the carport remains.

Board Member Howard Slackman motioned to close the public hearing; motion was seconded by Board Member John Kinch and **carried unanimously**, the public hearing was **closed**.

Board Member Roy De Los Santos made a motion to **deny** the variance request from Chapter 348, Article V, Division 7, Sec. 348-747.- Front Yard, to allow a carport to encroach 22 feet into a 25 foot front yard for Lot 24, Block 1, La Lomita Subdivision, Section II, located at 643 Jo Ann Lane. Board Member Howard Slackman seconded motion.

Board Member John Kinch stated that denying the variance may block up the ability to sell the property with no insistence to tear down the existing carport. Board Member Roy De Los Santos clarified that ordering the demolition or removal of the structure is not within the purview of the Board of Adjustment and that a decision for removal or demolishment would have to come from the city.

Chairman Dillon Vanderford, Board Member Roy De Los Santos, Board Member John Kinch, and Board Member Howard Slackman ayed the motion. Board Member Mary Alice Loya nayed the motion; the motion **passes**.

**Item No. 4: Public Hearing and Action on Case Number 2018-021-V: Public Hearing and Action to consider a variance from Chapter 348, Article VII, Sec. 348-1381.- Off Street Parking, to reduce the required 58 vehicle parking spaces by 9 for a 1 Acre tract out of Block 20, Los Ebanos Properties Subdivision, located at 74 S. Price Rd., as requested by Romelia Reyna.**

Ms. Francesca Linder, Zoning and Subdivision Administrator, presented on the parking variance request and described the standards the Planning and Development Services Department uses when approving new business plazas.

Mr. Rafael Chacon, the applicant's son, presented to the board about the challenges of having "take out" restaurants that affect the total parking count.

Board Member Howard Slackman made a motion to close public hearing; motion was seconded by Board Member John Kinch and **carried unanimously**. Public hearing was **closed**.

Board Member John Kinch motioned to **approve** the variance request from Chapter 348, Article VII, Sec. 348-1381.- Off Street Parking, to reduce the required 58 vehicle parking spaces by 9 for a 1 Acre tract out of Block 20, Los Ebanos Properties Subdivision, located at 74 S. Price Rd. Board Member Mary Alice Loya seconded the motion and carried **unanimously**.

**Item No. 4: Public Hearing and Action on Case Number 2018-022-V: Public Hearing and Action to consider a variance from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk along Railroad Street, for 0.643 of 1 Acre, Lot 23, Emilia Subdivision, located at 280 N. Fish Hatchery Road, as requested by Melden & Hunt, Inc.**

Ms. Francesca Linder, Zoning and Subdivision Administrator, presented on the sidewalk variance request and stated that the Planning and Development Services Department has no objections to the variance request.

Ms. Kelly Vela of Melden & Hunt, Inc. presented to the board on the need for the variance request and verified that no students would be entering or walking along Railroad Street.

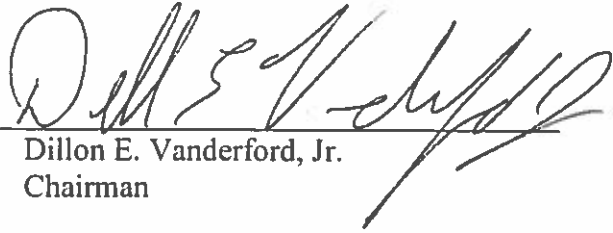
Board Member John Kinch motioned to close public hearing; motion was seconded by Board Member Howard Slackman and carried unanimously, the public hearing was **closed**.

Board Member Howard Slackman motioned to **approve** the variance request from Chapter 320, Article II.-Sidewalk Facilities, to exempt the property from ROW sidewalk between Frontage Road and Butler Road, for 0.643 of 1 Acre, Lot 23, Emilia Subdivision, located at 280 N. Fish Hatchery Road, to remain in effect so long as there are no curbs and gutters. Board Member Roy De Los Santos seconded the motion. Board Chairman Dillon Vanderford, Board Member Roy De Los Santos, Board Member Mary Alice Loya, and Board Member Howard Slackman ayed the motion. Board Member John Kinch abstained from voting; the motion **passes**.

Adjournment:

Board Member John Kinch made a motion to adjourn; motion was seconded by Board Member Maria Alicia Loya, and carried unanimously. Meeting adjourned at 6:23p.m.

Approved this 27 day of June, 2018.

  
Dillon E. Vanderford, Jr.  
Chairman

Attest:

  
Myrna Leal  
Planner I

Respectfully submitted by:  
Myrna Leal, Planner I  
Planning and Development Services Department

